

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

JACK PAUL HEINEY,)	Case No. 3:21 cv 0501
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
v.)	MAGISTRATE JUDGE
)	KATHLEEN B. BURKE
ATTORNEY GENERAL FOR THE STATE)	
OF OHIO,)	<u>ORDER</u>
)	
Respondent.)	

Before the Court is Interim Report and Recommendation of Magistrate Judge Kathleen B. Burke. (“R&R”) [ECF Doc. 16](#). The R&R recommends that the Court deny Petitioner Heiney’s Amended Motion to Stay. [ECF Doc. 13](#). The R&R was filed on May 21, 2021 and objections were due by June 4, 2021. To date, no objections to the R&R have been filed.

[28 U.S.C. § 636\(b\)\(1\)](#) provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.

The failure to timely file written objections to a magistrate’s R&R constitutes a waiver of the right to obtain a *de novo* review of the R&R in the district court. *United States v. Walters*, [638 F.2d 947, 949–50](#) (6th Cir. 1981); *Thomas v. Arn*, [474 U.S. 140, 149–50](#) (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, [728 F.2d 813](#) (6th Cir. 1984), *aff’d*, [474 U.S. 140](#) (1985).

Here, the time for objection has passed, and no objections have been filed. The Court has reviewed the magistrate's R&R and agrees that Petitioner Heiney's Amended Motion to Stay should be denied. Accordingly, the Court ADOPTS the R & R ([ECF Doc. 16](#)) in full and DENIES Petitioner Heiney's Amended Motion to Stay. [ECF Doc. 13](#).

IT IS SO ORDERED.

Dated: June 9, 2021

s/Dan Aaron Polster

United States District Judge